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SUBJECT: ICTR: AMBASSADOR WILLIAMSON DISCUSSES TRIBUNAL
CLOSURE WITH ICTR OFFICIALS

REF: DAR 00376

SUMMARY

[¶1.](#) (U) Ambassador-at-Large for War Crimes Issues Clint Williamson met with key leadership and working-level officials at the International Criminal Tribunal for Rwanda (ICTR) and toured the United Nations Detention Facility in Arusha on March 7 and 8, 2007. Williamson's discussions centered on the successful completion of the ICTR by its UNSC mandated deadlines (2008 for all trials, 2010 for all appeals) and the related issues of the ICTR's legacy and residual capacity. The key USC"co'gQVRQ5`)dQUQ@QAcVO-reftel. END SUMMARY.

[¶2.](#) (U) Ambassador-at-Large for War Crimes Issues Clint Williamson, accompanied by Brendan Doherty, Foreign Affairs Officer, visited the ICTR March 7-8, 2007. Williamson met with all ICTR principals-- President Erik Mose, Prosecutor Hassan Jallow, and Registrar Adama Dieng--as well as archival officials and American ICTR staff. Williamson praised the ICTR for its continued efficiencies and noted the urgency in needing to develop a strategy and structure for ICTR residual capacity post-2010. Williamson remarked that the USG is currently developing policy positions on these key issues and will confer with other Security Council members and ICTR contributors to reach policy positions prior to the Tribunal's completion dates.

Finishing Cases and the President's Term Limit

[¶3.](#) (SBU) The central issue to meeting the ICTR's completion strategy is prosecuting or transferring the 36 defendants currently in detention and the 18 remaining fugitives. Despite a few current challenging and cumbersome cases, President Mose remains confident that the ICTR will complete all trials of those in custody by 2008. President Mose has also played a crucial role in stepping up, and keeping up, the pace of trials and maximizing use of the Tribunal's four courtrooms. However, his second term ends in May 2007 and an extension would require amending the judge-made Rules of Procedure. While Dieng commented: "You don't change a team that wins," Mose and Jallow were silent on the issue and it is unclear whether Mose will seek a term limit modification.

Rwanda,s Capacity for Rule 11bis Transfers

14. (SBU) Prosecutor Jallow wants to transfer approximately 20 cases to domestic jurisdictions in 2007 and plans to file a Rule 11bis transfer & test case 8 to Rwanda in April. Rwanda is the USG,s preferred jurisdiction for all transfers in principle, but first must meet international fair trial standards. Jallow noted, and Williamson agreed, that the GOR needs a plan for building judicial capacity and recommended a staged approach, focusing first on Rule 11bis capacity and second on judicial capacity more broadly. Jallow also floated the possibility of indicting additional suspects for the purpose of transfer but this would require UNSC approval, a very difficult sell. Senior Trial Attorney Barbara Mulvaney suggested that if the Prosecutor withdrew indictments, files could be transferred without judicial review, but this would risk the credibility of the ICTR. Mulvaney also noted that keeping the cases in the Tribunal's system is one method of prolonging the ICTR's existence, concurrently benefiting the judges who are themselves deciding whether to transfer cases.

Dialogue on Residual Capacity Issues

15. (SBU) As the ICTR closes, some issues such as witness protection, handling of archives, and special hearings (e.g. contempt or sentence reviews) will require an ICTR residual capacity. Williamson commented that any residual capacity should be lean, handle only essential functions, and likely

evolve over time and by need. He asked the Tribunal principals for preliminary recommendations on addressing these residual issues. Mose suggested a mixed judicial/administrative residual body based in Kigali or Arusha which drew on a small judicial roster. Mose stressed the desirability of using previous ICTR judges for institutional memory and judicial efficiency.

RPF Cases

16. (SBU) Regarding Rwandan Patriotic Front (RPF) cases, Jallow said he is focusing on two or three individuals, has asked his team to decide in April or May "whether we have cases or we don't," and expects to make an announcement by June 2007. Acting Assistant Registrar Everard O'Donnell suggested that the immediate transfer to Rwanda of any RPF indictments would help mitigate criticism from the GOR. Any RPF indictments would require UNSC approval, however, and likely rupture ICTR relations with the GOR, but would also garner the ICTR important legitimacy by refuting the allegation of it being a victor,s justice tribunal.

GOR and ICTR Relations

17. (SBU) Mose, Jallow, Dieng, and the GOR Representative to the ICTR, Alloys Mutabingwa, agreed that relations between the GOR and the ICTR were good. However, the ICTR officials noted one specific area for improvement, namely, the need for a prompt response from the GOR to ICTR requests for security clearances of potential ICTR employees. The ICTR officials claimed that up to 20 such requests had yet to be answered; Mutabingwa, on the other hand, told the Ambassador that the GOR had answered all outstanding requests.

Comment

18. (SBU) Ambassador Williamson's visit to Arusha emphasized the USG,s full engagement on the complex legacy and residual issues facing the Tribunal and reaffirmed the USG,s commitment to see the ICTR complete its work successfully. President Mose and other officials clearly appreciated the open and frank dialogue and wished to work together on these issues going forward.

19. (U) This cable has been cleared by Ambassador Williamson.
RETZER